

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 23-33, 45 and 46 are in the case.

I. THE INTERVIEW

At the outset, the undersigned wishes to thank the Examiner (Mr. Wheeler) and his supervisor (Ms. Vivlemore) for kindly agreeing to discuss this case with the undersigned. The interview was held on December 14, 2010, and the courtesies extended by the Examiner and his supervisor were most appreciated. The substance of the interview will be clear from the Interview Summary and the comments presented below.

II. THE OBVIOUSNESS REJECTION

Claims 23-33, 45 and 46 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kelm *et al.* (US 20030203004) (Kelm). The rejection is respectfully traversed.

As claimed, there is provided an oral pharmaceutical or dietary composition comprising an active ingredient and a complex sugar and/or dietary fibre. The active ingredient consists of at least one short-chain fatty acid or salt, ester and/or amide thereof, and the complex sugar and/or dietary fibre is selected from inulin, pectin, dextrin, maltodextrin or derivatives thereof. One or more pharmacologically acceptable excipients are also present. The claimed composition comprises (a) a matrix consisting of lipophilic compounds with a melting point lower than 90°C and optionally amphiphilic

compounds in which the active ingredient are at least partially incorporated, (b) an amphiphilic matrix, and (c) an outer hydrophilic matrix in which the lipophilic matrix and the amphiphilic matrix are dispersed.

As discussed during the interview, the amendment to claim 23 to define the active ingredient as consisting of at least one short-chain fatty acid or salt, ester and/or amide thereof excludes long chain fatty acids (LCFA's) from the claimed compositions. Support appears, for example, in the first complete paragraph on page 7 of the application, and in the working examples. No new issues are raised and no new matter is entered. Entry of the claims as amended is respectfully requested.

Kelm describes compositions "comprising short and long chain fatty acids" (Abstract). Kelm contains no disclosure or suggestion of compositions with the active ingredient "consisting of" at least one short-chain fatty acid. In Kelm, there is no suggestion of compositions without LCFA's and with the specific matrix structure, as now claimed. Withdrawal of the obviousness rejection over Kelm is accordingly respectfully requested.

Favorable action is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Leonard C. Mitchard/

Leonard C. Mitchard
Reg. No. 29,009

LCM:iff
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100